

## Senate File 2401 - Introduced

SENATE FILE 2401

BY COMMITTEE ON APPROPRIATIONS

(SUCCESSOR TO SF 2371)

(SUCCESSOR TO SSB 3062)

### A BILL FOR

1 An Act relating to underground storage tanks, including by  
2 creating the Iowa tanks fund and Iowa tanks fund financing  
3 program, repealing the Iowa comprehensive petroleum  
4 underground storage tank fund, and eliminating the Iowa  
5 comprehensive petroleum underground storage tank fund  
6 board, requiring a study, and including effective date and  
7 transition provisions.

8 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

DIVISION I

IOWA TANKS FUND

Section 1. Section 455B.471, subsection 1, Code 2020, is amended by striking the subsection.

Sec. 2. Section 455B.471, Code 2020, is amended by adding the following new subsections:

NEW SUBSECTION. 1A. "*Claimant*" means an owner or operator who has received assistance under the Iowa tanks fund or its predecessor, the Iowa comprehensive petroleum underground storage tank fund created in section 455G.3, Code 2019.

NEW SUBSECTION. 1B. "*Community remediation*" means a curriculum of coordinated testing, planning, or remediation involving two or more tank sites potentially connected with a continuous contaminated area, pursuant to rules adopted by the commission under section 455B.474. A community remediation does not expand the scope of coverage otherwise available or relieve liability otherwise imposed under state or federal law.

NEW SUBSECTION. 2A. "*Costs*" means all costs, charges, expenses, or other indebtedness incurred by a claimant that are determined by the department to be reasonable for carrying out all works and undertakings necessary or incidental to the accomplishment of any project. "*Costs*" includes reasonable attorney fees and costs of litigation for which moneys are expended from the fund in connection with a release.

NEW SUBSECTION. 3A. "*Insurance*" means any form of financial assistance or showing of financial responsibility sufficient to comply with the federal Resource Conservation and Recovery Act, 42 U.S.C. §6901 et seq., or the department's underground storage tank financial responsibility rules.

NEW SUBSECTION. 7A. "*Potentially responsible party*" means a person who may be responsible or liable for a release for which payments from the fund were made for corrective action or third-party liability.

NEW SUBSECTION. 7B. "*Program*" means the Iowa tanks fund financing program created pursuant to section 455B.472A.

1     NEW SUBSECTION. 10A. *"Third-party liability"* means any of  
2 the following:

3     a. Property damage including physical injury to tangible  
4 property, but not including loss of use. Property damage does  
5 not include costs to remediate.

6     b. Bodily injury including sickness, physical injury, or  
7 death.

8     Sec. 3. Section 455B.471, subsection 3, Code 2020, is  
9 amended to read as follows:

10     3. *"Fund"* means the Iowa ~~comprehensive petroleum underground~~  
11 ~~storage tank tanks~~ fund created in section 455B.472A.

12     Sec. 4. Section 455B.472, Code 2020, is amended to read as  
13 follows:

14     **455B.472 Declaration of policy.**

15     The general assembly finds that the release of regulated  
16 substances from underground storage tanks constitutes a  
17 threat to the public health and safety and to the natural  
18 resources of the state, and that existing regulatory programs  
19 of the department and other agencies do not adequately or  
20 appropriately address this substantial public concern.

21 Additionally, the general assembly recognizes that because the  
22 appropriation of moneys to the Iowa comprehensive petroleum  
23 underground storage tank fund created in section 455G.3, Code  
24 2019, ended on December 31, 2016, it is in the public interest  
25 to expeditiously use any remaining moneys from the Iowa  
26 comprehensive petroleum underground storage tank fund to assist  
27 as many owners as possible with financing all or part of the  
28 costs of corrective action for petroleum releases from leaking  
29 underground storage tanks through the establishment of the Iowa  
30 tanks fund financing program. The financing program shall last  
31 as long as moneys remain available, and the general assembly  
32 recognizes that moneys available for the financing program will  
33 eventually be depleted.

34     Sec. 5. NEW SECTION. **455B.472A Iowa tanks fund financing**  
35 **program — fund created.**

1     1. The department shall establish and administer an Iowa  
2 tanks fund financing program for the purpose of reimbursing  
3 eligible claimants for all or part of the costs of corrective  
4 action for petroleum releases previously eligible for payment  
5 from the Iowa comprehensive petroleum underground storage tank  
6 fund pursuant to chapter 455G, Code 2019.

7     2. The department shall distribute financial assistance, up  
8 to one million dollars total, for work conducted by eligible  
9 entities that comply with the requirements of the program. The  
10 department shall determine if work completed is eligible for  
11 reimbursement under the program.

12    3. The department may enter into and provide any agreements,  
13 documents, instruments, certificates, data, or information  
14 necessary in connection with the operation, administration, and  
15 financing of the program consistent with this part, the federal  
16 Resource Conservation and Recovery Act, 42 U.S.C. §6901 et  
17 seq., the rules of the commission, and other applicable federal  
18 and state law.

19    4. The department may act to conform the program to the  
20 applicable guidance and regulations adopted by the United  
21 States environmental protection agency.

22    5. The Iowa tanks fund is created in the state treasury  
23 under the control of the department. The fund shall consist  
24 of moneys appropriated or transferred to the fund, interest  
25 attributable to moneys in the fund, moneys in the form of  
26 a devise, gift, bequest, donation, federal or other grant,  
27 reimbursement, repayment, judgment, or payment from any source  
28 intended to be used for the purposes of the fund, all receipts  
29 by the fund, and any other moneys credited to the fund from any  
30 public or private source. Notwithstanding section 8.33, any  
31 moneys in the fund shall not revert to the general fund of the  
32 state. Notwithstanding section 12C.7, subsection 2, interest  
33 or earnings on moneys in the fund shall be credited to the  
34 fund.

35    6. The department shall administer the fund to carry out

1 the purposes of the program and shall manage the revenue,  
2 administration, restrictions, and disposition of the fund.

3 7. Moneys in the fund shall be used to reimburse tank owners  
4 for all or part of the costs of a corrective action for a  
5 petroleum release and for permanent closure of an underground  
6 storage tank system under the program, for additional  
7 assessment and corrective action arising out of releases at  
8 sites for which a certificate of no further action has been  
9 issued, for tank operator training, and for administrative  
10 costs of the department associated with the program.

11 8. a. For the fiscal year beginning July 1, 2021, and for  
12 each fiscal year thereafter through the fiscal year beginning  
13 July 1, 2026, two hundred fifty thousand dollars per year of  
14 the moneys in the fund are appropriated to the department of  
15 agriculture and land stewardship for the sole and exclusive  
16 purpose of inspecting fuel quality at pipeline terminals and  
17 renewable fuel production facilities, including associated  
18 salaries, support, maintenance, and miscellaneous purposes.

19 b. Notwithstanding section 8.33, moneys appropriated in this  
20 subsection that remain unencumbered or unobligated at the close  
21 of a fiscal year shall not revert but shall remain available  
22 for expenditure for the purposes designated until the close of  
23 the succeeding fiscal year.

24 9. Moneys in the fund are not considered part of the general  
25 fund of the state and are not subject to appropriation for any  
26 other purpose by the general assembly. The fund is a separate  
27 dedicated fund under the administration and control of the  
28 department.

29 10. Payments for reimbursement or other costs relating to  
30 any claim or cause of action in connection with a tank not  
31 owned or operated by the state or an agency of the state shall  
32 be made solely from the fund and no liability is otherwise  
33 imposed upon the state. Moneys from the fund are limited  
34 to the extent of coverage provided by the applicable account  
35 within the fund under which a claim is submitted, subject

1 to the terms and conditions of that coverage. A court, an  
 2 administrative law judge, the department, or the commission  
 3 shall not order or approve a remedy that would require the  
 4 fund to exceed the fund's then current funding limitations to  
 5 satisfy an award or that would restrict the availability of  
 6 moneys for higher priority sites. The state is not otherwise  
 7 liable for a claim related to the fund and moneys from the  
 8 general fund shall not be used to pay for reimbursement  
 9 or other costs relating to any claim or cause of action in  
 10 connection with a tank not owned or operated by the state or an  
 11 agency of the state.

12     Sec. 6. NEW SECTION.   **455B.472B Cost recovery enforcement.**

13     1. *Full recovery sought by department.* The department  
 14 may seek full recovery from an owner, operator, or other  
 15 potentially responsible party liable for a release that is the  
 16 subject of a corrective action for which moneys from the fund  
 17 are expended, or for which moneys from the Iowa comprehensive  
 18 petroleum underground storage tank fund created in section  
 19 455G.3, Code 2019, were expended, including for third-party  
 20 liability and for all other costs. If federal cleanup moneys  
 21 are recovered, the federal cleanup moneys shall be used solely  
 22 for the purpose of future cleanup activities.

23     2. *Limitation of liability of owner or operator.* Except  
 24 as provided in subsection 3, the department shall not seek  
 25 recovery for expenses in connection with corrective action for  
 26 a release from an owner or operator eligible for assistance  
 27 under the program, except for any unpaid portion of the  
 28 deductible or copayment. This section does not affect any  
 29 authorization of the department to impose or collect civil or  
 30 administrative fines, penalties, or fees. Moneys from the fund  
 31 shall not be used to pay for any third-party liability.

32     3. *Owner or operator not in compliance.* Notwithstanding  
 33 subsection 2, the liability of an owner or operator shall be  
 34 the full and total costs of corrective action and bodily injury  
 35 or property damage to third parties, as specified in subsection

1 1, if the owner or operator has not complied with the financial  
2 responsibility or other underground storage tank rules of the  
3 department or with this part or rules adopted under this part.

4 4. *Lien on tank site.* Any amount for which an owner or  
5 operator is required to pay to the fund by statute, rule,  
6 contract, or determination of liability by the department after  
7 hearing, if not paid when due, shall constitute a lien upon the  
8 real property where the tank that was the subject of corrective  
9 action is located, and the payment shall be collected in the  
10 same manner as the environmental protection charge pursuant to  
11 section 424.11, Code 2016.

12 5. *Joinder of parties.* The department has standing in  
13 any case or contested action related to the fund or a tank  
14 to assert any claim that the department may have regarding  
15 the tank at issue in the case or contested action. Upon  
16 motion and sufficient showing by a party to a cost recovery or  
17 subrogation action provided for under this section, the court  
18 or the administrative law judge shall join to the action any  
19 potentially responsible party who may be liable for costs and  
20 expenditures of the type recoverable pursuant to this section.

21 6. *Third-party contracts.* An insurance, indemnification,  
22 hold-harmless, conveyance, or similar risk-sharing or  
23 risk-shifting agreement shall not be effective to transfer  
24 any liability for costs recoverable under this section. The  
25 department may proceed directly against the owner, operator, or  
26 other potentially responsible party. This section does not bar  
27 any agreement to insure, hold harmless, or indemnify a party to  
28 the agreement for any costs or expenditures under this part,  
29 and does not modify rights between the parties to an agreement,  
30 except to the extent the agreement shifts liability to an owner  
31 or operator eligible for assistance under the program for any  
32 damages or other costs in connection with a corrective action  
33 for which another potentially responsible party is or may be  
34 liable. Any such provision is void and of no further force and  
35 effect.

1     7. *Later proceedings permitted against other parties.* The  
2 entry of judgment against a party to the action does not  
3 bar a future action by the department against another person  
4 who is later alleged to be or discovered to be liable for  
5 costs and expenditures paid from the fund. Notwithstanding  
6 section 668.5, a potentially responsible party shall not seek  
7 contribution or any other recovery from an owner or operator  
8 eligible for assistance under the program for damages or other  
9 costs in connection with corrective action for a release for  
10 which the potentially responsible party is or may be liable.  
11 Subsequent successful proceedings against another party shall  
12 not modify or reduce the liability of a party against whom  
13 judgment has been previously entered.

14     8. *Claims against potentially responsible parties.*

15     a. Upon payment from the fund for corrective action or  
16 third-party liability pursuant to this part, the rights of the  
17 claimant to recover payment from any potentially responsible  
18 party are assumed by the department to the extent paid from the  
19 fund. A claimant shall not receive double compensation for the  
20 same injury.

21     b. In an action brought pursuant to this part seeking  
22 damages for corrective action or third-party liability, the  
23 court shall allow evidence and argument as to the replacement  
24 or indemnification of actual economic losses incurred or to be  
25 incurred in the future by the claimant by reason of insurance  
26 benefits, governmental benefits or programs, or other sources.

27     c. A claimant may elect to authorize the department  
28 to pursue the claimant's cause of action for any injury  
29 not compensated from the fund against any potentially  
30 responsible party, provided the attorney general determines  
31 such representation would not be a conflict of interest. If  
32 a claimant so elects, the department's litigation expenses  
33 shall be shared on a pro rata basis with the claimant, but the  
34 claimant's share of litigation expenses is payable exclusively  
35 from any share of the settlement or judgment payable to the



1 claimant.

2 9. *Exclusion of punitive damages.* Moneys from the fund  
3 shall not be used to pay punitive damages.

4 Sec. 7. NEW SECTION. **455B.472C Discretionary rulemaking.**

5 1. The commission may adopt rules pursuant to chapter  
6 17A conditioning receipt of moneys from the fund to those  
7 petroleum-contaminated properties that present a higher degree  
8 of risk to the public health and safety or the environment and  
9 providing for denial of moneys from the fund to a person who  
10 did not make a good-faith attempt to comply with this part.  
11 This subsection does not confer a legal right to an owner of a  
12 petroleum-contaminated property, or an owner or operator of an  
13 underground storage tank located on the property, for receipt  
14 of moneys under this part.

15 2. The commission may adopt rules pursuant to chapter  
16 17A providing for the transfer of all or a portion of the  
17 liabilities relating to the fund. Notwithstanding any other  
18 provision to the contrary, the department, upon such transfer,  
19 shall not maintain any duty to reimburse claimants for those  
20 liabilities transferred.

21 Sec. 8. Section 455B.474, subsection 1, paragraph a,  
22 subparagraph (6), subparagraph divisions (g), (i), and (j),  
23 Code 2020, are amended to read as follows:

24 (g) An owner or operator may elect to proceed with  
25 additional corrective action on the site. However, any  
26 action taken in addition to that required pursuant to this  
27 subparagraph (6), shall be solely at the expense of the owner  
28 or operator and shall not be considered corrective action  
29 for purposes of [section 455G.9 455B.472A](#), unless otherwise  
30 previously agreed to by the ~~board~~ department and the owner or  
31 operator pursuant to [section 455G.9, subsection 7 455B.472A](#).  
32 Corrective action taken by an owner or operator due to the  
33 department's failure to meet the time requirements provided in  
34 subparagraph division (e) shall be considered corrective action  
35 for purposes of [section 455G.9 455B.472A](#).

1 (i) Replacement or upgrade of a tank on a site classified  
2 as a high or low risk site shall be equipped with a secondary  
3 containment system with monitoring of the space between the  
4 primary and secondary containment structures or other ~~board~~  
5 ~~approved~~ tank system or methodology approved by the department.

6 (j) The commission and the ~~board~~ department shall cooperate  
7 to ensure that remedial measures required by the corrective  
8 action rules adopted pursuant to this subparagraph (6) are  
9 reasonably cost-effective and shall, to the fullest extent  
10 possible, avoid duplicating and conflicting requirements.

11 Sec. 9. Section 455B.474, subsection 2, unnumbered  
12 paragraph 1, Code 2020, is amended to read as follows:

13 The maintenance of evidence of financial responsibility as  
14 the director determines to be feasible and necessary for taking  
15 corrective action and for compensating third parties for bodily  
16 injury and property damage caused by release of a regulated  
17 substance from ~~an underground storage~~ a tank.

18 Sec. 10. Section 455B.474, subsection 9, paragraph d, Code  
19 2020, is amended to read as follows:

20 d. The certification of groundwater professionals shall not  
21 impose liability on ~~the board~~, the department, or the fund for  
22 any claim or cause of action of any nature, based on the action  
23 or inaction of a groundwater professional certified pursuant  
24 to this subsection.

25 Sec. 11. Section 455B.474, Code 2020, is amended by adding  
26 the following new subsection:

27 NEW SUBSECTION. 11. Department practices and procedures  
28 for implementing and administering the Iowa tanks fund  
29 financing program. The rules shall include but are not limited  
30 to requirements for program eligibility, investigating and  
31 settling claims made against the fund, appeal procedures,  
32 community remediation, prioritization of fund moneys,  
33 funding for tank operator training, additional assessment  
34 and corrective action arising out of releases at sites for  
35 which a certificate of no further action has been issued, and

1 reimbursement for the permanent closure of an underground  
2 storage tank system.

3 Sec. 12. Section 455B.477, subsection 7, Code 2020, is  
4 amended to read as follows:

5 7. ~~The civil penalties or other damages or moneys recovered~~  
6 ~~by the state or the petroleum underground storage tank fund~~  
7 ~~in connection with a petroleum underground storage tank under~~  
8 ~~this part of this division or chapter 455G shall be credited~~  
9 ~~to the fund created in section 455G.3 and allocated between~~  
10 ~~fund accounts according to the fund budget.~~ Any federal  
11 moneys, including but not limited to federal underground  
12 storage tank trust fund moneys, received by the state or the  
13 department of natural resources in connection with a release  
14 occurring on or after May 5, 1989, or received generally for  
15 underground storage tank programs on or after May 5, 1989,  
16 shall be credited to the fund created in section ~~455G.3~~ and  
17 ~~allocated between fund accounts according to the fund budget~~  
18 455B.472A, unless such use would be contrary to federal law.  
19 The department shall ~~cooperate with the board of the Iowa~~  
20 ~~comprehensive petroleum underground storage tank fund to~~  
21 maximize the state's eligibility for and receipt of federal  
22 funds for underground storage tank related purposes.

23 Sec. 13. EFFECTIVE DATE. This division of this Act takes  
24 effect July 1, 2021.

25 DIVISION II

26 CONFORMING CHANGES

27 Sec. 14. Section 68B.35, subsection 2, paragraph e, Code  
28 2020, is amended to read as follows:

29 e. Members of the state banking council, the Iowa ethics  
30 and campaign disclosure board, the credit union review board,  
31 the economic development authority, the employment appeal  
32 board, the environmental protection commission, the health  
33 facilities council, the Iowa finance authority, the Iowa public  
34 employees' retirement system investment board, the board of  
35 the Iowa lottery authority, the natural resource commission,

1 the board of parole, ~~the petroleum underground storage tank~~  
 2 ~~fund board~~, the public employment relations board, the state  
 3 racing and gaming commission, the state board of regents, the  
 4 transportation commission, the office of consumer advocate, the  
 5 utilities board, the Iowa telecommunications and technology  
 6 commission, and any full-time members of other boards and  
 7 commissions as defined under [section 7E.4](#) who receive an annual  
 8 salary for their service on the board or commission. The Iowa  
 9 ethics and campaign disclosure board shall conduct an annual  
 10 review to determine if members of any other board, commission,  
 11 or authority should file a statement and shall require the  
 12 filing of a statement pursuant to rules adopted pursuant to  
 13 chapter 17A.

14 Sec. 15. Section 159A.11, subsection 10, Code 2020, is  
 15 amended by striking the subsection.

16 Sec. 16. Section 159A.13, subsection 6, Code 2020, is  
 17 amended by striking the subsection.

18 Sec. 17. Section 159A.14, subsection 2, Code 2020, is  
 19 amended to read as follows:

20 2. A person may apply to the department to receive financial  
 21 incentives on a cost-share basis. The department shall forward  
 22 the applications ~~to the underground storage tank fund board as~~  
 23 ~~required by that board for evaluation and recommendation. The~~  
 24 ~~underground storage tank fund board may rank the applications~~  
 25 ~~with comments and shall forward them to the infrastructure~~  
 26 board for approval or disapproval. The department shall award  
 27 financial incentives on a cost-share basis to an eligible  
 28 person whose application was approved by the infrastructure  
 29 board.

30 Sec. 18. Section 159A.15, subsection 1, Code 2020, is  
 31 amended to read as follows:

32 1. A person may apply to the department to receive financial  
 33 incentives on a cost-share basis. The department shall forward  
 34 the applications ~~to the underground storage tank fund board as~~  
 35 ~~required by that board for evaluation and recommendation. The~~

1 ~~underground storage tank fund board may rank the applications~~  
2 ~~with comments and shall forward them~~ to the infrastructure  
3 board for approval or disapproval. The department shall award  
4 financial incentives on a cost-share basis to an eligible  
5 person whose application was approved by the infrastructure  
6 board.

7 Sec. 19. Section 323.1, subsection 16, Code 2020, is amended  
8 to read as follows:

9 16. "*Storage tank*" means a motor fuel storage tank as  
10 defined in [section 214.1](#), including an underground storage tank  
11 subject to regulation under chapter ~~455G~~ 455B, division IV,  
12 part 8, or section 455G.31.

13 Sec. 20. Section 422.7, subsection 2, paragraph u, Code  
14 2020, is amended by striking the paragraph.

15 Sec. 21. Section 455B.174, subsection 4, paragraph d, Code  
16 2020, is amended to read as follows:

17 d. If a public water supply has a groundwater source  
18 that contains petroleum, a fraction of crude oil, or their  
19 degradation products, or is located in an area deemed by the  
20 department as likely to be contaminated by such materials, and  
21 after consultation with the public water supply system and  
22 consideration of all applicable rules relating to remediation,  
23 the department may require the public water supply system to  
24 replace that groundwater source in order to receive a permit  
25 to operate. The requirement to replace the source shall only  
26 be made by the department if the public water supply system  
27 is fully compensated for any additional design, construction,  
28 operation, and monitoring costs ~~from the Iowa comprehensive~~  
29 ~~petroleum underground storage tank fund created by chapter~~  
30 ~~455G or from any other~~ funds that do not impose a financial  
31 obligation on the part of the public water supply system.  
32 Funds available to or provided by the public water supply  
33 system may be used for system improvements made in conjunction  
34 with replacement of the source. The department cannot require  
35 a public water supply system to replace its water source with a

1 less reliable water source or with a source that does not meet  
2 federal primary, secondary, or other health-based standards  
3 unless treatment is provided to ensure that the drinking water  
4 meets these standards. Nothing in this paragraph shall affect  
5 the public water supply system's right to pursue recovery from  
6 a responsible party.

7 Sec. 22. Section 455E.11, subsection 2, paragraph d,  
8 subparagraph (3), Code 2020, is amended by striking the  
9 subparagraph.

10 Sec. 23. Section 455I.2, subsection 5, paragraph a, Code  
11 2020, is amended to read as follows:

12 a. A federal or state program that is subject to the  
13 jurisdiction of an agency, including but not limited to  
14 programs established by ~~chapters~~ chapter 455B and ~~455C~~,  
15 corrective or response actions pursuant to 42 U.S.C. §6901 et  
16 seq., and remedial actions under 42 U.S.C. §9601 et seq.

17 Sec. 24. EFFECTIVE DATE. This division of this Act takes  
18 effect July 1, 2021.

19 DIVISION III

20 FUEL TESTING STUDY

21 Sec. 25. FUEL TESTING AND LABORATORY NEEDS STUDY.

22 1. The department of agriculture and land stewardship  
23 shall conduct a study regarding the long-term future fuel  
24 testing needs in Iowa and how to maximize and leverage the  
25 Iowa central fuel testing laboratory located at Iowa central  
26 community college. The department may consider any matter  
27 that it determines to be relevant, including but not limited  
28 to the weights and measures bureau's testing needs for fuel  
29 inspection, cost analysis for future growth and laboratory  
30 equipment, and related support services for both the petroleum  
31 and renewable fuel industry in Iowa, which may be administered  
32 through a grant program.

33 2. The department may consult with Iowa central community  
34 college and shall seek comments from persons and fuel industry  
35 leaders in Iowa who have an interest in the Iowa central fuel

1 testing laboratory.

2 3. The department shall submit a report regarding the study,  
3 including findings and recommendations, to the governor and  
4 general assembly not later than December 15, 2020. The report  
5 may include proposed legislation determined by the department  
6 to be necessary or desirable.

7 DIVISION IV

8 REPEAL AND TRANSITION

9 Sec. 26. NEW SECTION. **427B.23 Future repeal.**

10 This subchapter is repealed July 1, 2021. All credits  
11 existing upon repeal of this subchapter shall continue until  
12 their expiration.

13 Sec. 27. NEW SECTION. **455G.22A Claims not eligible.**

14 A claim for a release filed on or after January 1, 2021,  
15 shall not be eligible for payment from the fund.

16 Sec. 28. NEW SECTION. **455G.22B Future repeal.**

17 This subchapter is repealed July 1, 2021.

18 Sec. 29. **TRANSITION PROVISIONS.**

19 1. Upon repeal of chapter 455G, subchapter 1, and the  
20 creation of the Iowa tanks fund pursuant to section 455B.472A,  
21 as enacted in this Act, all moneys in all funds administered by  
22 the Iowa comprehensive petroleum underground storage tank fund  
23 board are transferred to the department of natural resources  
24 for deposit in the Iowa tanks fund. Any moneys credited to  
25 any fund administered by the Iowa comprehensive petroleum  
26 underground storage tank fund board on and after July 1, 2021,  
27 are transferred to the department for deposit in the Iowa tanks  
28 fund.

29 2. Any rule, regulation, form, order, or directive  
30 promulgated by the Iowa comprehensive petroleum underground  
31 storage tank fund board as required to administer and enforce  
32 the provisions relating to the Iowa comprehensive petroleum  
33 underground storage tank fund shall continue in full force  
34 and effect under the jurisdiction of the department of  
35 natural resources until amended, repealed, or supplemented by

1 affirmative action of the department.

2 3. The Iowa comprehensive petroleum underground storage  
3 tank fund board shall administratively close or terminate  
4 any remaining liabilities, contracts, outstanding claims,  
5 payments, or other obligations for open comprehensive petroleum  
6 underground storage tank fund claims existing on or before June  
7 30, 2021.

8 4. The department of natural resources may begin  
9 implementation of this Act prior to July 1, 2021, to the  
10 extent necessary to transition to full implementation of the  
11 provisions relating to the Iowa tanks fund and repeal of the  
12 Iowa comprehensive petroleum underground storage tank fund.

13 EXPLANATION

14 The inclusion of this explanation does not constitute agreement with  
15 the explanation's substance by the members of the general assembly.

16 Currently, the Iowa comprehensive petroleum underground  
17 storage tank fund exists under the control of the Iowa  
18 comprehensive petroleum underground storage tank fund board.  
19 The Iowa comprehensive petroleum underground storage tank fund  
20 contains an account with moneys available to fund corrective  
21 action for petroleum releases. The Iowa comprehensive  
22 petroleum underground storage tank fund also contains a loan  
23 guarantee account and a marketability fund.

24 This bill repeals the Iowa comprehensive petroleum  
25 underground storage tank fund and eliminates the Iowa  
26 comprehensive petroleum underground storage tank fund board  
27 on July 1, 2021. The bill requires the department of natural  
28 resources (department) to establish and administer the Iowa  
29 tanks fund financing program to distribute financial assistance  
30 for work conducted by eligible entities. The bill creates the  
31 Iowa tanks fund within the state treasury under the control of  
32 the department and requires the department to administer the  
33 fund. The bill appropriates \$250,000 per year from the fund to  
34 the department of agriculture and land stewardship (DALSS) for  
35 the fiscal year beginning July 1, 2021, and each fiscal year



1 thereafter through the fiscal year beginning July 1, 2026, to  
2 inspect fuel quality at terminals and facilities. The program  
3 allows a claimant who has previously received assistance  
4 under the Iowa tanks fund or the Iowa comprehensive petroleum  
5 underground storage tank fund to receive reimbursement from  
6 the Iowa tanks fund for all or part of the costs of corrective  
7 action for a petroleum release. The bill allows for cost  
8 recovery efforts from potentially responsible parties when  
9 moneys from the Iowa tanks fund are used during the cleanup  
10 of contamination at a tank site. The bill directs the  
11 environmental protection commission to adopt rules for program  
12 eligibility, investigating and settling claims made against the  
13 fund, appeal procedures, community remediation, prioritization  
14 of fund moneys, funding for tank operator training, additional  
15 assessment and corrective action arising out of a release at a  
16 site for which a no further action certificate has been issued,  
17 and reimbursement for the permanent closure of an underground  
18 storage tank system. The bill provides that claims for  
19 releases filed on or after January 1, 2021, are not eligible  
20 for payment from the Iowa comprehensive petroleum underground  
21 storage tank fund.

22 The bill requires DALS to conduct a study regarding the  
23 long-term future fuel testing needs in Iowa and how to maximize  
24 and leverage the Iowa central fuel testing laboratory located  
25 at Iowa central community college. The bill requires DALS to  
26 submit a report regarding the study to the governor and general  
27 assembly not later than December 15, 2020.

28 The bill includes transition provisions retaining the  
29 effectiveness of rules, regulations, forms, orders, or  
30 directives promulgated by the Iowa comprehensive petroleum  
31 underground storage tank fund board until amended, repealed,  
32 or supplemented by affirmative action of the department. Any  
33 moneys credited to the Iowa comprehensive petroleum underground  
34 storage tank fund on and after July 1, 2021, are transferred to  
35 the department for deposit in the Iowa tanks fund.

1     The divisions of the bill establishing the Iowa tanks fund  
2 and making conforming Code changes take effect July 1, 2021.